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AUTOMOTIVE CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: DMCA SECTION 512(H)
SUBPOENA TO GITHUB, INC.

MISC. ACTION NO: 3:23-MC-80164-LJC

**NEXTEER AUTOMOTIVE
CORPORATION'S REQUEST TO THE
CLERK FOR ISSUANCE OF A SUBPOENA
TO MICROSOFT CORPORATION**

Nexteer Automotive Corporation (“Nexteer”), through its undersigned counsel of record, hereby requests that the Clerk of this Court issue a subpoena to Microsoft Corporation (“Microsoft”) pursuant Federal Rule of Civil Procedure 45. The proposed subpoena is attached hereto as Exhibit A.

The subpoena is directed to Microsoft. Microsoft is a global technology company that, among others functions, provides users with email services through its Outlook email platform.

Nexteer seeks account information about certain Outlook email users as identified in Exhibit A. Nexteer previously requested, and this Court issued, subpoenas to GitHub, Inc. to identify individuals who had posted various excerpts of Nexteer's confidential and copyrighted source code to GitHub, which postings infringe copyrights held by or assigned to Nexteer. (See Declaration of Pete Kiousis, ¶ 4). After issuance and service of those subpoenas, Nexteer received certain GitHub account data and, through investigation, identified Outlook email accounts potentially related to the users posting infringing content to GitHub. (Kiousis Decl. ¶ 4). Nexteer now seeks information about these Outlook email users to further aid in identifying the individuals infringing Nexteer’s copyrights and disseminating Nexteer’s intellectual property without authorization.

Accordingly, in support of its request for a Subpoena, Nexteer submits and attaches:

- A proposed subpoena directed to Microsoft (Ex. A hereto); and
- A sworn declaration that the purpose for which the subpoena is sought is proper (See Pete Kiousis Decl., ¶5.)

Nexteer respectfully requests that the Clerk expeditiously issue and sign the proposed subpoena pursuant to Fed. R. Civ. Pro. 45 and return it to undersigned counsel for service on the subpoena recipient.

DATE: FEBRUARY 12, 2024

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By: /s/ Daniyal M. Habib
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